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10/800,105	03/12/2004	Takeshi Kuroiwa	275865US6	8932
22850 7590 07/02/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER TRAN, MY CHAU T	
			ART UNIT 2629	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/800,105

Applicant(s)

KUROIWA, TAKESHI

Examiner

MY-CHAU T. TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Application and Claims Status

1. Applicant's amendment and response filed 05/01/2007 are acknowledged and entered.
2. Claims 1-12 were pending. Applicants have amended claims 1, 2, and 8-11 and added claims 13-20. No claims were cancelled. Therefore, claims 1-20 are currently pending and are under consideration in this Office Action.

Status of Claim(s) Objection(s) and /or Rejection(s)

3. The rejection of claims 1 and 3-7 under 35 USC 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Moon (US Patent 6,275,376 B1) has been withdrawn in light of applicant's arguments (see pg. 10, 1st full paragraph, filed 05/01/2007) and amendments of claim 1.
4. The rejection of claims 1 and 3-7 under 35 USC 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ossia (US Patent 6,747,635 B2; *filing date of 12/14/2001*) has been withdrawn in light of applicant's arguments (see pg. 10, line 23 thru pg. 11, line 9, filed 05/01/2007) and amendments of claim 1.
5. The rejection of claims 8-12 under 35 USC 102(e) as being anticipated by Bergstedt (US Patent 6,750,886 B1; *filing date 01/22/2001*) has been withdrawn in light of applicant's arguments (see pg. 12, 1st full paragraph, filed 05/01/2007) and amendments of claim 8.

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6. The rejection of claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon (US Patent 6,275,376 B1) in view of Barrus et al. (US Patent 7,002,604 B1) has been withdrawn in view of applicant's arguments (see pg. 12, 2nd full paragraph, filed 05/01/2007) and amendments of claim 1.

7. The rejection of claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ossia (US Patent 6,747,635 B2; *filing date of 12/14/2001*) in view of Barrus et al. (US Patent 7,002,604 B1) has been withdrawn in view of applicant's arguments (see pg. 12, 3rd full paragraph, filed 05/01/2007) and amendments of claim 1.

New Rejection(s) – Necessitated by Amendment

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation of '*wherein the rotating shaft is perpendicular to the opposing plane, the planar-main-unit top face, and the planar-display-unit principal face throughout a rotation of the planar display unit from the open position to the closed position*' of claim 13 is vague and indefinite. Specifically, the limitation of '*the planar-main-unit top face, and the planar-display-unit principal face throughout a rotation of the planar display unit from the open position to the*

closed position' is vague because it unclear as to what is being claimed, i.e. rotation of the instant claimed '*planar-main-unit top face*' and '*the planar-display-unit principal face*' with respect to the instant claimed '*rotating shaft*', which would be redundant with respect to the instant claimed limitation of '*wherein the planar display unit is configured to rotate relative to the planar main unit from the closed position to the open position around the rotating shaft in an opposing plane, the opposing plane being located between the planar-main-unit top face and the planar-display-unit principal face*', or the position(s) of the instant claimed '*planar-main-unit top face*' and '*the planar-display-unit principal face*' with respect to the instant claimed '*rotating shaft*'.

Accordingly, claim 13 is rejected under 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-7, 13 and 14 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over (US Patent 6,658,272; *filing date* 04/28/2000).

For ***claims 1-3, 13 and 14***, Lenchik et al. disclose a portable electronic device (see e.g. Abstract; col. 2, lines 14-26; figs. 1-9, 14, 15, and 19). The portable electronic device comprises a first element (ref. #104) that contains a display (ref. #120)(refers to instant claimed a planar

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display unit), a second element (ref. #106)(refers to instant claimed a planar main unit) that contains inputs (ref. #115)(refers to instant claimed an operation unit and instant claim 3), and a joint (ref. #112)(refers to instant claimed a connecting portion having a rotating shaft) that joins the first element to the second element and includes positional sensors (refers to instant claimed a controller)(see e.g. col. 2, lines 14-26 and 59-65; col. 3, lines 26-40 and 47-57; col. 6, lines 36-45 and 51-52; claims 1 and 2; figs. 1-9, 14, 15, and 19). The sensors detect the relative position of the first element with respect to the second element such that the operational mode is configured base on the relative position of the first element with respect to the second element (refers to instant claim 2)(see e.g. col. 2, lines 14-26; col. 4, lines 12-31; claim 1). The joint (ref. #112) can be a ball type joint that is perpendicular to the first and second elements and suggest that *'the planar-main-unit top face opposes the planar-display-unit principal face in the closed position'* of claim 13 (see e.g. col. 6, lines 36-45; figs. 14 and 15). As illustrated by figure 19, the first element can rotate with respect to the second element in parallel planes (see e.g. col. 6, lines 51-52).

Although Lenchik et al. do not disclose that a memory insertion slot is included in the second element (ref. #106)(refers to instant claimed a planar main unit), Lenchik et al. disclose that the portable electronic device such as cellular phones and personal digital assistants (PDA) perform functions such as data storage and recall, which suggest that the portable electronic device would include a memory insertion slot. Furthermore, prior art recognized that memory card (refers to instant claimed thin planar semiconductor memory) are use in portable devices such as cell phones and personal digital assistants (PDA) as evidence by Spencer et al. (US Patent 6,862,604 B1; see col. 1, lines 21-31).

For **claim 7**, Lenchik et al. disclose that the portable electronic device is useful in displaying text and graphics (see e.g. col. 1, lines 10-24).

Alternatively, the claimed invention further differs from the prior art teachings only by the recitation of:

For **claims 4-6**, claims 4-6 recites the limitations regarding the type of content that are displayed by the instant claimed a planar display unit, which are interpreted as the functional limitation for the instant claimed a planar display unit. The claimed invention appears to be the same or obvious variations of the reference teachings, absent a showing of unobvious differences. The office does not have the facilities and resources to provide the factual evidence needed in order to determine and/or compare the specific activities of the instant versus the reference of Lenchik et al. In the absence of evidence to the contrary, the burden is upon the applicant to prove that the claimed composition is different from the one taught by prior art and to establish the patentable differences. See *In re Best* 562F.2d 1252, 195 USPQ 430 (CCPA 1977) and *Ex parte Gray* 10 USPQ2d 1922(PTO Bd. Pat. App. & Int. 1989). As a result, the device of Lenchik et al. would still anticipate the presently claimed device since it meets all the structural limitation of the claimed device of claims 1 and 14.

Therefore, the device of Lenchik et al. does anticipate the instant claimed invention.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-7 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenchik et al. (US Patent 6,658,272; *filing date 04/28/2000*) in view of Barrus et al. (US Patent 7,002,604 B1).

For ***claims 1-3, 13 and 14***, Lenchik et al. disclose a portable electronic device (see e.g. Abstract; col. 2, lines 14-26; figs. 1-9, 14, 15, and 19). The portable electronic device comprises a first element (ref. #104) that contains a display (ref. #120)(refers to instant claimed a planar display unit), a second element (ref. #106)(refers to instant claimed a planar main unit) that contains inputs (ref. #115)(refers to instant claimed an operation unit and instant claim 3), and a joint (ref. #112)(refers to instant claimed a connecting portion having a rotating shaft) that joins the first element to the second element and includes positional sensors (refers to instant claimed a controller)(see e.g. col. 2, lines 14-26 and 59-65; col. 3, lines 26-40 and 47-57; col. 6, lines 36-45 and 51-52; claims 1 and 2; figs. 1-9, 14, 15, and 19). The sensors detect the relative position of the first element with respect to the second element such that the operational mode is configured base on the relative position of the first element with respect to the second element (refers to instant claim 2)(see e.g. col. 2, lines 14-26; col. 4, lines 12-31; claim 1). The joint (ref. #112) can be a ball type joint that is perpendicular to the first and second elements and suggest that *'the planar-main-unit top face opposes the planar-display-unit principal face in the closed position'* of claim 13 (see e.g. col. 6, lines 36-45; figs. 14 and 15). As illustrated by figure 19, the first element can rotate with respect to the second element in parallel planes (see e.g. col. 6, lines 51-52).

Although Lenchik et al. do not disclose that a memory insertion slot is included in the second element (ref. #106)(refers to instant claimed a planar main unit), Lenchik et al. disclose that the portable electronic device such as cellular phones and personal digital assistants (PDA) perform functions such as data storage and recall (see e.g. col. 1, lines 10-14), which suggest that the portable electronic device would include a memory insertion slot. Furthermore, prior art recognized that memory card (refers to instant claimed thin planar semiconductor memory) are use in portable devices such as cell phones and personal digital assistants (PDA) as evidence by Spencer et al. (US Patent 6,862,604 B1; see col. 1, lines 21-31).

For *claims 4-6*, Lenchik et al. disclose that the portable electronic device is useful in displaying text and graphics (see e.g. col. 1, lines 10-24), and as a result the type of content that are displayed by the instant claimed a planar display unit are interpreted as an inherent characteristic of the device of Lenchik et al.

For *claim 7*, Lenchik et al. disclose that the portable electronic device is useful in displaying text and graphics (see e.g. col. 1, lines 10-24).

The teachings of Lenchik et al. differs from the presently claimed invention as follows:

For *claims 15 and 16*, Lenchik et al. fail to disclose the directional mode of the content being displayed with respect to the rotation of the display unit.

However, Barrus et al. teach the limitations that are deficient in Lenchik et al. as follows:

For *claims 15 and 16*, Barrus et al. disclose a method and system that provides rotation of an image on a display screen (see e.g. Abstract; col. 1, lines 61 thru col. 2, line 9; figs. 3-7). The system includes devices such as handheld devices or mobile electronic devices (see e.g. col. 2, lines 49-67). Barrus et al. disclose that the display modes are defined relative to the base mode,

i.e. the display screen mode, wherein each mode can be defined by any coordinate system (see e.g. col. 4, lines 32-62; col. 5, lines 5-9; figs. 3-7).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose the directional mode of the content being displayed with respect to the rotation of the display unit as taught by Barrus et al. in the device of Lenchik et al. One of ordinary skill in the art would have been motivated to disclose the directional mode of the content being displayed with respect to the rotation in the device of Lenchik et al. for the advantage of providing a device can rotate the image on the display screen without increase demand for the CPU and power resources in a machine that typically has limited resources (Barrus: col. 1, lines 58-60). Additionally, both Lenchik et al. and Barrus et al. disclose that the device includes cell phones and personal digital assistants (PDA) (Lenchik: col. 1, lines 10-14; Barrus: col. 2, lines 49-67). Furthermore, one of ordinary skill in the art would have a reasonable expectation of success in the combination of Lenchik et al. and Barrus et al. because Lenchik et al. disclose that the operational mode of the portable electronic device is configured base on the relative position of the first element with respect to the second element (Lenchik: col. 2, lines 14-26; claims 1 and 2).

Therefore, the combine teachings of Lenchik et al. and Barrus et al. do render the device of the instant claims *prima facie* obvious.

14. Claims 8-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Lenchik et al. (US Patent 6,658,272; *filing date 04/28/2000*) in view of Bergstedt (US Patent 6,750,886 B1; *filing date 01/22/2001*).

For **claim 8**, Lenchik et al. disclose a portable electronic device (see e.g. Abstract; col. 2, lines 14-26; figs. 1-9, 14, 15, and 19). The portable electronic device comprises a first element (ref. #104) that contains a display (ref. #120)(refers to instant claimed a planar display unit), a second element (ref. #106)(refers to instant claimed a planar main unit) that contains inputs (ref. #115)(refers to instant claimed an operation unit and instant claim 3), and a joint (ref. #112)(refers to instant claimed a connecting portion having a rotating shaft) that joins the first element to the second element and includes positional sensors (refers to instant claimed a controller)(see e.g. col. 2, lines 14-26 and 59-65; col. 3, lines 26-40 and 47-57; col. 6, lines 36-45 and 51-52; claims 1 and 2; figs. 1-9, 14, 15, and 19). The sensors detect the relative position of the first element with respect to the second element such that the operational mode is configured base on the relative position of the first element with respect to the second element (refers to instant claim 2)(see e.g. col. 2, lines 14-26; col. 4, lines 12-31; claim 1). The joint (ref. #112) can be a ball type joint that is perpendicular to the first and second elements and suggest that '*the planar-main-unit top face opposes the planar-display-unit principal face in the closed position*' of claim 13 (see e.g. col. 6, lines 36-45; figs. 14 and 15). As illustrated by figure 19, the first element can rotate with respect to the second element in parallel planes (see e.g. col. 6, lines 51-52).

The teachings of Lenchik et al. differs from the presently claimed invention as follows:

For **claims 8-12**, Lenchik et al. fail to disclose the method steps of displaying information on the display unit.

However, Bergstedt teach the limitations that are deficient in Lenchik et al. as follows:

For *claims 8 and 9*, Bergstedt discloses a method for displaying information on a display area of a screen of an electronic device (see e.g. Abstract; col. 1, lines 14-16; col. 2, lines 3-7). The electronic device includes devices such as a laptop computer, PDA, or a mobile phone (see e.g. col. 2, lines 40-45). The method comprises the step of displaying an initial page of information, a user interacting with a user interface device such as a keyboard or a mouse which generates and transmit a signal (refers to instant claimed content selecting step), the signal is sent to a processor which execute a program that control how the information store in the main memory or a portable storage medium is displayed on the display area of a screen of an electronic device (refers to instant claimed extracting step, displaying step, and instant claim 9)(see e.g. col. 2, line 60 thru col. 3, line 19).

For *claims 10 and 11*, Bergstedt discloses that the type of information display includes electronic program guide or internet web pages (see col. 1, lines 37-46).

For *claim 12*, Bergstedt discloses that the informations are text informations (see e.g. fig. 3 (a) thru (e)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose the method steps of displaying information on the display unit as taught by Bergstedt in the device of Lenchik et al. One of ordinary skill in the art would have been motivated to disclose the method steps of displaying information on the display unit in the device of Lenchik et al. for the advantage of providing a user the ability to distinguish the newly displayed plurality of lines from the previously displayed plurality of lines (Bergstedt: col. 2, lines 15-17). Additionally, both Lenchik et al. and Bergstedt disclose device includes cell phones and personal digital assistants (PDA) (Lenchik: col. 1, lines 10-14; Bergstedt: col. 2, lines

40-45). Furthermore, one of ordinary skill in the art would have a reasonable expectation of success in the combination of Lenchik et al. and Bergstedt because Lenchik et al. disclose that the portable electronic device is useful in displaying text and graphics (see e.g. col. 1, lines 10-24).

Therefore, the combine teachings of Lenchik et al. and Bergstedt do render the method of the instant claims *prima facie* obvious.

Allowable Subject Matter

15. Claims 17-20 allowable over the cited prior art.

16. The following is a statement of reasons for the indication of allowable subject matter:

The instant claim 17 is allowable for the reason that the cited prior arts do not teach or fairly suggest the presently claimed device wherein ‘*wherein the planar main unit and the planar display unit are interconnected by a connecting portion having a rotating shaft, and the operation unit is centered on the rotating shaft*’, which is exemplified by figure 1 of the instant specification.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MY-CHAU T. TRAN whose telephone number is 571-272-0810. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/My-Chau T. Tran/

Patent Examiner

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June 23, 2007



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600